

**United States Bankruptcy Court**  
**For the Eastern and Western Districts**  
**Of Arkansas**



**PROPOSED**  
**LOCAL RULES**  
*Effective [insert date here]*

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 1020-1

Operating Reports

A debtor-in-possession or a trustee in any case pending under Chapter 11, a debtor-in-possession in a case pending under Chapter 12, and a business debtor in cases pending under Chapter 13 of the Bankruptcy Code shall be required to file monthly operating reports of a kind and in the manner prescribed by the Office of the United States Trustee.

(adopted 8/1/85)

(rev. 5/12/88)

(rev.     /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 2015-1

Motor Vehicle Physical Damage Insurance in Chapter 13 Cases

**I.**

**TERMS OF POLICY**

The Trustee shall, as soon as reasonably possible, enter into a contract and thereafter maintain a contract, if reasonably possible, with an Insurer to provide motor vehicle physical damage insurance coverage at least as beneficial to the debtors and creditors as described below.

**DEFINITIONS**

As used in this Rule the following shall have the meaning shown.

**Insurer** - An insurance company chosen by the Trustee, qualified under state law to offer insurance coverage of the type described in this Rule in the State of Arkansas.

**Trustee** - The standing chapter 13 trustee appointed pursuant to a designation by the United States Trustee for the Districts of Arkansas, Nebraska and Missouri, dated October 31, 1988, and the ratification and approval of the designation by the Director and Counsel, Executive Office of the United States Trustee, Department of Justice, dated November 1, 1988, or his or her successor.

**Interested Party** - A person or entity which has an insurable interest in a motor vehicle, including a co-owner, secured creditor, co-obligor on a secured loan, and debtor(s).

**Motor Vehicle** - Any licensed land motor vehicle designed for travel on public roads, except motorcycles, truck-type tractors having a gross vehicle weight of 10,000 pounds or more and intended for over the road transportation or delivery of goods or merchandise and recreational vehicles.

**Value or Valuation** - The fair market retail value of the Motor Vehicle as initially determined by reference to publication of the National Automobile Dealers Association.

**THE POLICY**

1. A Master Policy shall provide coverage equivalent to a Standard Automobile Physical Damage Insurance Policy.
2. A Certificate of Insurance shall be issued to each Interested Party.

3. Coverage for Motor Vehicles shall be provided for Motor Vehicles having a Value in excess of \$500.00 and shall consist of a comprehensive deductible of \$50.00, a collision deductible of \$100.00 and maximum coverage per vehicle of \$60,000.00.
4. Coverage shall be afforded at a flat rate per \$100.00 valuation without regard to the debtor's age, sex, race, marital status, place of residence, previous driving record or use of the vehicle.
5. The Trustee's Master Policy will not be primary insurance. If there is motor vehicle physical damage insurance other than the insurance provided by the Trustee's Master Policy at the time of loss, then there will be no coverage under the Trustee's Master Policy except as excess and in no event as contributory insurance and then only after all other insurance has been exhausted.
6. Within two days after the date that a Chapter 13 Petition is dismissed or converted by an order of the Court, the Insurer shall mail a notice of cancellation under this insurance program to all Interested Parties. Said notice of cancellation shall state that the insurance under this policy shall terminate 30 days after the date set forth in the notice of cancellation which date shall coincide with the date of the mailing of the notice. In the absence of notice of cancellation and except as otherwise provided herein, insurance under this policy shall terminate 30 days after the date of entry of the written order of dismissal or conversion of the Chapter 13 case regardless of actual notice of dismissal.
7. Any Interested Party who determines that there is no motor vehicle physical damage insurance on a Motor Vehicle in which some interested party has a co-ownership, lien or other insurable interest may move for an Order requesting coverage under the Trustee's Master Policy. If the motion is granted, insurance coverage shall be effective from the date of the Order Adding Insurance and premiums shall begin to be earned from that same date.
8. All claims under the Trustee's Master Policy must be made by sworn proof of loss delivered to the Insurer within 91 days after the insured loss on forms to be supplied by the Insurer.
9. If a debtor has other motor vehicle physical damage insurance coverage at the time of the filing of his Chapter 13 Petition and provides that information to the Trustee, as herein provided, so as to not be insured under the Trustee's Master Policy and thereafter the debtor's other insurance expires or is revoked, an Interested Party may file a motion to have the debtor's motor vehicle insured under the Trustee's Master Policy. If said motion is filed before the termination date of the other insurance, then coverage under the Trustee's Master Policy shall commence on the date of the termination of the other insurance. If said motion is filed after the termination date of the other insurance, then coverage under the Trustee's Master Policy shall commence on the date of the Court's order adding the insurance to the debtor's plan.

10. If the debtor purchases a Motor Vehicle and grants a lien on it in favor of a creditor during the course of the debtor's Chapter 13 plan and in such a fashion as to include the creditor in the plan, then insurance coverage under the Trustee's Master Policy on such motor vehicle shall commence on the date an Order Adding Insurance is entered.

#### COVERAGE

11. Coverage shall automatically be afforded upon filing of a Chapter 13 Petition and continue for the full term of the plan for all Motor Vehicles listed in the debtor's Chapter 13 schedules and statement of affairs unless:
  - (a) The debtor provides evidence of other insurance; or
  - (b) There is no Interested Party other than the debtor(s); or
  - (c) The case is dismissed.
12. A debtor may elect to maintain coverage after no other Interested Party exists. A debtor may elect to have coverage even if there is no other Interested Party when the Petition is filed.
13. If a debtor procures motor vehicle physical insurance coverage, other than pursuant to the Trustee's Master Policy, after the date of the filing of the Chapter 13 Petition and provides proof thereof, then insurance coverage under the Trustee's Master Policy shall only be for losses incurred between the time of the filing of the Chapter Petition and the date the debtor procures the other insurance.
14. If a debtor, at or prior to the Section 341(a) meeting, provides proof of motor vehicle physical insurance coverage for losses incurred at the time of and after the filing of the Chapter 13 Petition, then no premium shall be charged for insurance under the Trustee's Master Policy. If the debtor does not provide such proof of insurance coverage, then an insurance premium shall be paid by the Trustee and charged against the debtor as a priority, administrative expense for insurance coverage under the Trustee's Master Policy from the date of filing of the Chapter 13 Petition to the date of the entry of a Court order terminating insurance coverage under the Trustee's Master Policy. The Trustee may make motion for such orders as are necessary to increase the debtor's payments under the plan to pay for the insurance required by this local rule.

#### PREMIUMS

15. The Insurer shall have the right to setoff against payment of claims any unpaid insurance premiums due for insurance provided to the debtor under the Trustee's Master Policy.
16. To assure that premiums are timely paid so that coverage will remain in effect, the amount of \$100.00 shall be held as a priority, administrative expense by the Trustee in all Chapter 13 cases with coverage under the Trustee's Master Policy and said amount shall be utilized for the payment of delinquent premiums.

## II.

### IMPLEMENTATION OF PROGRAM

During the time the Trustee's Master Policy is in effect, the following procedures shall be followed:

1. The Insurer shall produce an initial report substantially as set forth in Form I - Chapter 13 Motor Vehicle Physical Damage Insurance Program - Initial Report. Such Initial Report (Form I) shall be mailed to the Trustee and each Interested Party.
2. Concurrently with the issuance of Form I, the Insurer shall mail Form II - Interested Party Verification - to each Interested Party.
3. At or before the Section 341(a) meeting, a debtor and/or debtor's attorney shall provide to the Trustee written evidence of motor vehicle damage insurance which notes the interest of all Interested Parties in any Motor Vehicle. If written evidence is not so provided, the debtor's plan shall be deemed amended to provide for an additional payment to the Trustee at the monthly premium rate indicated in Form I.
4. The issuance of Form I by the Insurer shall authorize the Trustee to provide a Certificate of Insurance (substantially as Form III - Certificate of Insurance) to Interested Parties. The Certificate of Insurance shall be provided as soon after the Section 341(a) meeting as is reasonably practicable.
5. Any debtor shall have the right to cause the insurance which has been issued to be canceled at any time by motion, substantially in conformity with Form IV, for cause, including:
  - (a) Proof of insurance coverage for the Interested Parties;
  - (b) Waiver of coverage by all Interested Parties;
  - (c) Motor Vehicle is inoperable; or
  - (d) Value of Motor Vehicle is less than Five Hundred Dollars (\$500.00).
6. Insurance coverage shall be automatically provided upon motion filed with the Trustee (substantially in conformity with Form V) by an Interested Party stating that there is no insurance on a Motor Vehicle. The plan payments shall be increased after motion by the Trustee by an order substantially in conformity with Form VI.
7. A debtor may choose to continue to have insurance coverage under the Master Policy after all Interested Parties have been paid in full by filing an affidavit with the Trustee substantially in conformity with Form VII. The plan payments shall be increased after motion by an order substantially in conformity with Form VIII.
8. A creditor who has a lien or security interest in motor vehicle may file an election with the Trustee that the creditor does not want any of its borrowers to be able to purchase insurance under the Trustee's Master Policy. If a creditor files such an election (Form

IX), the provisions of this Local Rule shall not be applicable to any motor vehicle in which the creditor has a lien or security interest in any case filed thereafter. Insurance coverage pursuant to this Local Rule shall continue in all cases pending at the time a creditor's election is filed. If after having filed such an election, the creditor revokes its election (Form X), then the Local Rule shall be in effect as to all cases in which the creditor has a lien or security interest in a motor vehicle filed subsequent to the revocation of the election and this Local Rule shall become retroactively applicable to all pending cases in which the creditor has a lien on or security interest in a motor vehicle as if the case were filed on the day the creditor revokes the election.

(adopted 7/1/90)

(rev /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 2072-1

Notice to Other Courts

As soon as possible after the date the bankruptcy petition is filed with the United States Bankruptcy Clerk, the debtor is required to give written notification to each court or administrative tribunal in which there is pending litigation involving the debtor. Copies of that written notification shall be mailed on the same date to all attorneys of record in the pending lawsuits.

(adopted 8/1/85)



UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 2090-1

Attorneys - Admission to Practice

- a. The bar of this Court shall consist of all present members and those attorneys hereinafter admitted to practice before either the United States District Court for the Eastern District or the Western District of Arkansas unless said attorney has been specifically suspended or disbarred by the Bankruptcy Court.
- b. Admission Pro Hac Vice. Any attorney who is a member in good standing of the bar of another state may be admitted to the United States Bankruptcy Court for the Eastern and Western Districts of Arkansas pro hac vice upon a proper showing of qualifications to participate in a particular case or proceeding before this Court. Admission pro hac vice shall be by written motion accompanied by the applicant's declaration signed under penalty of perjury asserting good standing in the state bar where the applicant maintains a law office. The applicant shall designate a member of the bar of this Court who maintains an office in the Eastern or Western District of Arkansas as local counsel. The Court may, for good cause shown, waive the requirement for local counsel upon written motion by the applicant. This rule is subject to the exceptions and practice by attorneys appearing in the United States District Court in the Texarkana Division of the Western District of Arkansas who reside in Texarkana, Texas.

(adopted 8/1/85)

(rev. /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 2090-2  
Attorney Discipline and Disbarment

Local Rule 2090-1 concerning the uniform Rules of Disciplinary Procedures is repealed. With respect to matters concerning attorney conduct and discipline, the Bankruptcy Courts shall have such authority and discretion as are permitted by and under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, statutory and common law, and the express and inherent powers conferred upon them. Generally, but not by way of limitation, the standard of professional conduct of attorneys practicing in this Court is governed by the Model Rules of Professional Conduct and Federal Rule of Bankruptcy Procedure 9011. Sanctions may include suspension from the practice before the Bankruptcy Courts and/or disbarment from practice before the Bankruptcy Courts.

- a. The U.S. Bankruptcy Court may also refer violations of the Model Rules of Professional Conduct to the Arkansas Committee on Professional Conduct for such actions and sanctions as they deemed appropriate.
- b. Any attorney who is suspended or disbarred by the United States District Court for the Eastern or Western District of Arkansas is automatically suspended or disbarred from practice before the United States Bankruptcy Court for the same duration as ordered by the United States District Court.

(adopted /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 5001-2

Location and Office Hours of Clerk's Office

The Clerk's office for the Eastern and Western Districts of Arkansas is in the United States Bankruptcy Courthouse at 300 W. Second Street, Little Rock, Arkansas.

Mailing Address:  
300 West Second Street  
Little Rock, AR 72201  
Telephone: (501) 918-5500

A satellite Clerk's Office in the Western District is located in Room 316 of the John Paul Hammerschmidt Federal Building, 35 E. Mountain Street, Fayetteville, Arkansas for the purpose of accepting all filings for the Fayetteville, Harrison, Fort Smith and Hot Springs Divisions.

Mailing Address:  
35 East Mountain Street, Suite 316  
Fayetteville, AR 72701  
Telephone: (479) 582-9800

Office hours for both offices are 8:00 a.m. to 5:00 p.m., Monday through Friday. (Closed on legal holidays.)

(adopted 8/1/85)

(rev. 12/21/98)

(rev. 6/ /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 5005-4

Electronic Filing

All pleadings and documents required to be filed with the Court shall be electronically filed. Electronic filing shall mean filed over the Internet using the Court's Electronic Case Filing ("**ECF**") System. Orders submitted in open court shall be announced and then e-mailed in Portable Document Format ("**PDF format**").

The Court adopts the *Administrative Procedures for Electronically Filed Cases and Related Documents* as the rules governing filing by electronic means and governing the ECF system for this Court. A document filed by electronic means in compliance with these rules constitutes a written paper for the purpose of applying all Local Rules, Standing Orders, the applicable Federal Rules of Civil Procedure, and § 107 of the Bankruptcy Code.

Exceptions to this required procedure for electronically filing documents and pleadings include:

- (1) Documents under seal.
- (2) Pleadings and/or documents submitted by parties without legal representation.
- (3) Proofs of Claim filed by a creditor who is not a registered user of ECF.
- (4) Filer's Internet failure.

Filers experiencing Internet failure shall submit a pleading and/or document on diskette or CD in PDF format with an "Affidavit and Request to File" attached. A sample Affidavit can be found on the Court's website. The Clerk's Office will electronically file the pleading and/or document on behalf of the filer.

- (5) Court's Internet Failure.

If a filer attempts to electronically file a pleading and/or document but cannot do so because ECF is not accessible, the filer should consult the *Administrative Procedures for Electronically Filed Cases and Related Documents* for guidance.

(6) Wavier Granted by the Chief Judge

Upon a written request by a party demonstrating adequate grounds, the Chief Judge may waive the requirement for electronic filing and/or any rule contained in the *Administrative Procedures for Electronically Filed Cases and Related Documents*.

Filers filing pleadings and/or documents via paper, who do not fall under one of the exemptions listed above, will be issued an Order to Show cause why they can not file electronically, and will be requested to appear before this Court.

The following information is to be provided at the time of filing a bankruptcy petition or adversary proceeding, whether or not such filing is accomplished by electronic means:

1. Attorneys are to include their complete address, phone number, and state bar number on all filings.
2. All information on the adversary proceeding cover sheet must be filled in completely.

Notes: (To be removed at a later date)

1. Adoption of this rule will be the basis for the repeal of General Orders 19 and 23.
2. The current version of the *Administrative Procedures for Electronically Filed Cases and Related Documents* will be posted separately on the website.

(adopted /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 7033-1

Interrogatories and Depositions

Discovery depositions, interrogatories, requests for production or inspection and responses thereto shall not be filed with the Clerk of the Bankruptcy Court except those portions of the discovery that are relevant to motions permitted by the Federal Rules of Bankruptcy Procedure as exhibits.

(adopted 8/1/90)

(rev.    /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 9015-1

Jury Trial

- a. Issues triable as a matter of right by jury shall be by jury. The Federal Rules of Bankruptcy Procedure provide for demanding a jury trial.
- b. On motion of a party or on its own motion, the Bankruptcy Court for the Eastern and Western Districts of Arkansas shall determine whether there is a right to jury trial on the issues for which a jury is demanded.
- c. If a party is entitled to a jury trial on the issues for which a jury has been demanded and all parties express their consent by filing a statement pursuant to Federal Rules of Bankruptcy Procedure 9015, the Bankruptcy Court shall conduct a jury trial. If any party does not consent, the jury trial issue shall be referred to the appropriate United States District Court for further proceedings.
- d. If a jury trial is appropriate for non-core issues and all parties consent to a jury trial, said consent shall also be deemed to be consent for the Bankruptcy Judge to enter a final and dispositive order.

(adopted 5/20/92)

(rev. 3/9/01)

(rev. /05)

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 9019-1

Consent Orders

- a. This rule governs the submission of proposed orders agreed to by the affected parties.
- b. The party responsible for preparing the order is the party designated by the Court or the party agreed to by the parties themselves.
- c. A party submitting an order to the Court shall forward a copy of the proposed order to the opposing attorney who shall have seven (7) days from the mailing or transmission of such order in which to object to the form or content of the order. If no objection is lodged then the party preparing the order may submit the order to the Court.
- d. The party preparing an agreed order may also obtain the signature of approval as to the form and content of the order from the opposing party and upon obtaining the signature may forthwith submit the order to the Court.
- e. Routine orders that by their nature are administrative according to the local practice may be submitted to the Court without complying with this local rule.
- f. An attorney shall not submit proposed orders for matters that have not been agreed to by the opposing party or that, by their nature, are not administrative.

(adopted /05)



UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

Matters Not Covered By Local Rules

All matters of procedure not specifically dealt with by these local rules are governed by the applicable Federal Rules of Bankruptcy Procedure.